



Our Ref. No.: 005882.P050

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:)
Woo Jin Lee et al.,) Examiner: Jennifer Doan
Serial No. 10/678,573) Art Unit: 2874
Filed: October 3, 2003)
For: **METHOD FOR MANUFACTURING**)
OPTICAL WAVEGUIDE USING)
LASER DIRECT WRITING METHOD)
AND OPTICAL WAVEGUIDE)

Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO OFFICE ACTION

This is in response to the outstanding Office Action mailed July 13, 2005.

In the Action, claims 1-4, 6 and 8 are rejected under 35 U.S.C. §102(e) as being anticipated by Lee et al. (document published at the Photonics Conference 2002 which was held October 30 – November 1, 2002). In this connection, it is noted that 35 U.S.C. §102(e) requires that the invention be described in “(1) an application for patent, published under Section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent” Since the cited prior art is not an application for patent or patent, applicant submits that the reference does not qualify as prior art under 35 U.S.C. §102(e). Although 35 U.S.C. §102(a) could possibly apply since the document is a printed publication in a foreign country, Applicant notes that the reference does not qualify as prior art under 35 U.S.C. §102(a) either because it was not “before the invention thereof by the applicant for patent.” In this connection, submitted herewith are Declarations under 37 C.F.R. §132 by each of the named inventors declaring that they are the same persons who are the authors of the

cited reference. Therefore, the invention described in the cited reference is not the invention by another and, therefore, does not qualify as prior art under 35 U.S.C. §102(a). In view of the foregoing, reconsideration and withdrawal of the rejection of claims 1-4, 6 and 8 is requested after which Applicants submit the claims pending for examination, namely claims 1-10 are in condition for allowance, which early action is requested.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: July 29, 2005

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Kenneth Schmidt

July 29, 2005